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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

CASE NO. C 05-03649 JW

[PROPOSED] REVISED ORDER GRANTING PLAINTIFFS' ADMINISTRATIVE MOTION UNDER LOCAL RULE 79-5(d) FOR LEAVE TO FILE UNDER SEAL PORTIONS OF DOCUMENTS DUE TO CONFIDENTIAL DESIGNATIONS BY DEFENDANT GOOGLE, INC.

Date: December 1, 2008
Time: 9:00 a.m.
Place: Courtroom 8
Honorable James Ware

Dockets.Justia.com

Plaintiffs' Administrative Motion Under Local Rule 79-5(d) for Leave to File Under Seal Portions of Documents Due to Confidential Designations by Defendant Google, Inc. (the "Motion") was filed on November 10, 2008. Upon consideration of the Motion and the Declaration of David T. Biderman filed in support thereof, the Court finds there is good cause to grant the request to file the following document and information under seal:

Plaintiffs' Opposition to Google Inc.'s Motion for Partial Summary Judgment, and

Exhibit 1 to the Declaration of Rachel S. Black in Support of Plaintiffs' Opposition to Google, Inc.'s Motion for Partial Summary Judgment.

GOOD CAUSE having been shown, the Court finds that:

(1) The parties possess overriding confidentiality interests that overcome the right of public access to the record in the above-mentioned documents;

(2) The parties' overriding confidentiality interests support sealing the record;

(3) A substantial probability exists that the parties' overriding confidentiality interests will be prejudiced if the record is not sealed;

(4) The proposed sealing is narrowly tailored; and

(5) No less restrictive means exist to achieve this overriding interest.

IT IS THEREFORE ORDERED that Plaintiffs' Motion is GRANTED.

This ORDER is to supersede the November 13, 2008 ORDER granting Plaintiffs' Administrative Motion Under Local Rule 79-5(d) For Leave To File Under Seal Portions of Documents Due To Confidential Designations By Defendant Google, Inc. (Docket No. 258).

IT IS SO ORDERED.

DATED: ____________________ ____

The Honorable James Ware
United States District Judge

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